



April 27, 2010

Reply to Attn of: General Law Practice Group

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance by NASA Employees at The Atlantic's  
National Newsmaker Dinner on April 27, 2010

On April 27, 2010, The Atlantic Monthly Group ("The Atlantic") will host a dinner, co-sponsored by Microsoft Corporation, at The Atlantic's offices at the Watergate Hotel, in Washington, D. C. This event is to explore the changing intersection between technology and American inventiveness and what the impact, can, should, and will be on the economy, development, and American and global competitiveness. It will feature a dinner with a panel discussion, followed by a question and answer session with the audience.

The dinner will be attended by representatives from business, advocacy groups, law firms, think tanks, the legislative branch, academia, and the media. Approximately 350 people have been invited and 90 are expected to attend. The estimated cost of the dinner which includes all food and beverages is \$75.00 per person. I find that The Atlantic event meets the requirements of a "widely attended gathering" as defined in 5 C.F.R. § 2635.204(g).

I further determine that there is an Agency interest in having NASA personnel attend the event because it will further Agency programs or operations. Attendance at the dinner will allow NASA representatives to speak on areas of interest to NASA, and to discuss NASA's programs and plans. Accordingly, NASA employees whose duties do not substantially affect the event sponsor or a majority of all of its members may accept an invitation for free attendance to the dinner for themselves and their spouses or guests.

However, NASA employees who are in non-career positions in which Executive Order 13490, requires signing an ethics pledge may only attend if they reimburse the sponsors the cost of the reception for themselves and any accompanying guest. Moreover, NASA employees whose duties may substantially affect the event sponsors, such as by way of procurement duties, should seek an individual determination pursuant to 5 C.F.R. § 2635.204(g)(3)(i), regarding participation in this event from their local ethics counselor.

In addition, The Atlantic intends to provide attendees with a free copy of its magazine, valued at \$5.99. NASA personnel should observe the exception to the gift rules that allows acceptance of gifts (including free refreshments and tangible gifts) with an aggregate value of \$20 or less per event from a single source, not to exceed \$50 per year from that source. Gifts to an employee's spouse or guest are treated as gifts to the employee for purposes of these gift limitations.

*Kathleen T. Spear*

*for* Adam F. Greenstone